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January 5, 2021

BY ECF

The Honorable J. Paul Oetken
United States District Judge for the
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Hay v. New York Media LLC, et ano.*, No. 1:20-cv-06135 (JPO)

Dear Judge Oetken:

The parties in the above-referenced action write to inform the Court that following consultation between the parties, Plaintiff Bruce Hay ("Plaintiff") has agreed to withdraw Count Two (defamation claim against Defendants New York Media LLC, Kera Bolonik, and David Korzenik) asserted in Plaintiff's First Amended Complaint (the "FAC") (Dkt. No. 12). Defendants consent to the withdrawal of Count Two of the FAC, as a result of which no claims in this action remain against David Korzenik.

In addition, Plaintiff has informed Defendants that he intends to move to further amend the remaining counts in this action, a motion that Defendants oppose. The parties jointly request that Plaintiff be permitted to file the motion to further amend the complaint (the "Motion to Amend") by January 8, 2021, and Defendants to file their opposition to the Motion to Amend by January 22, 2021.

In light of this motion practice, the parties also request that the deadline for Defendants to respond to the complaint be adjourned from January 8, 2021 to two weeks after the Court has issued a decision on the Motion to Amend. Defendants have previously requested, and this Court has granted, three extensions to the deadline for Defendants to respond to the complaint: 1) request to extend the deadline for Kera Bolonik and New York Media LLC to respond to the FAC from November 7, 2020 to December 11, 2020 (Dkt. No. 20); 2) request to extend the deadline for David Korzenik to respond to the FAC from November 10, 2020 to December 11, 2020 (Dkt. No. 25); and 3) request made by Plaintiff to extend the deadline for all Defendants to respond to the FAC from December 11, 2020 to January 8, 2021 (Dkt. No. 27) so that the parties could discuss the merits of this matter.

In sum, the parties respectfully request that this Court enter an order 1) dismissing with prejudice Count Two of the FAC, and dismissing David Korzenik as a defendant in this action; 2) setting a briefing schedule for Plaintiff's Motion to Amend, providing that Plaintiff's Motion to

Amend will be filed by January 8, 2021, and Defendants' opposition to the Motion to Amend will be filed by January 22, 2021; and 3) adjourning the deadline for Defendants to respond to the complaint from January 8, 2021 until two weeks after the Court has issued a decision on the Motion to Amend.

Thank you for your attention to this matter.

Respectfully Submitted,

Law Offices of Jillian T. Weiss, P.C.

A handwritten signature in blue ink that reads "Jillian T. Weiss". The signature is written in a cursive, flowing style.

Jillian T. Weiss
Counsel for Plaintiff

Davis Wright Tremaine, LLP

A handwritten signature in blue ink that reads "Katherine M. Bolger". The signature is written in a cursive, flowing style.

Katherine M. Bolger
Counsel for Defendants